

REMARKS

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

In the Office Action, claim 8 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,266,814 to Inata et al. ("Inata"), and claims 9-10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Inata in view of McDermott et al., Growth and Doping of GaAsSb via Metalorganic Chemical Vapor Deposition for InP Heterojunction Bipolar Transistors, Appl. Phys. Lett., Vol. 68, No. 10 (March 4, 1996) ("McDermott"). By this Amendment, claims 8, 11, and 12 are amended, and claim 10 is canceled. Claim 8 was amended to include the subject matter of claim 10, and subject matter from claim 11, which was indicated as having allowable subject matter.

The Examiner's allowance of claims 1-7 and 13-21, and indication of allowable subject matter in claim 11 is appreciated. Applicants wish to thank the Examiner for the careful review and allowance of those claims.

Applicants submit the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicant agrees with the Examiner that the claimed invention of claims 1-7 and 13-21 is patentable over the prior art, but respectfully declines to necessarily agree with or endorse the Examiner's statement of reasons for allowance as set forth in Office Action. Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicants do not concede that the

reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

Rejection Under 35 U.S.C. §102(b)

Applicants traverse the rejection of claim 8 under 35 U.S.C. § 102(b) as being anticipated by Inata for at least the reason that the Office Action failed to establish that Inata discloses or suggests each and every element of the claimed invention. For example, claim 8 recites "wherein the n-doped layer is doped with a concentration greater than $5 \times 10^{19} \text{ cm}^{-3}$." Claim 8 was amended to include subject matter indicated as allowable in the Office Action. Particularly, subject matter from claims 10 and 11 were included in claim 8. As at least the above-recited portion of claim 8 was not identified in the Office Action as being disclosed or suggested by Inata, claim 8 is in condition for allowance.

Rejection Under 35 U.S.C. § 103

Applicants traverse the rejection of claims 9-10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Inata in view of McDermott for at least the reason that the Office Action failed to establish that the references disclose or suggest each and every element of the claimed invention. Claim 10 was canceled, obviating the rejection of that claim. As discussed above, claim 8 includes subject matter from claim 11, which was indicated as allowable. Consequently, the Office Action did not establish that at least "wherein the n-doped layer is doped with a concentration greater than $5 \times 10^{19} \text{ cm}^{-3}$," as recited in claim 8, was disclosed or suggested by Inata and McDermott, either alone or in combination. For at least this reason, claim 8, and therefore claims 9 and 12 due to their dependency from claim 8, are in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. The Examiner is encouraged to contact the undersigned if the Examiner believes that a telephone interview or Examiner's amendment will further the prosecution of this application.

Respectfully submitted,
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